

Robert A. Bailey (# 214688)
 rbailey@afrc.com
 ANGLIN, FLEWELLING, RASMUSSEN,
 CAMPBELL & TRYTTEN LLP
 199 S. Los Robles Ave., Suite 600
 Pasadena, California 91101-2459
 Tel: (626) 535-1900
 Fax: (626) 577-7764

Attorneys for Defendant
 WELLS FARGO BANK, N.A., successor
 by merger with Wells Fargo Bank
 Southwest, N.A., f/k/a Wachovia Mortgage,
 FSB

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DEBRA L. LAINE,

CASE NO.: C 13 04109-SI

WELLS FARGO BANK, N.A.; DOES 1-20,
 Defendants.

**WELLS FARGO'S RESPONSE TO
 ORDER TO SHOW CAUSE WHY
 TEMPORARY RESTRAINING ORDER
 SHOULD NOT ISSUE**

Defendant Wells Fargo Bank N.A., successor by merger with Wells Fargo bank Southwest, N.A., formerly known as Wachovia mortgage FSB ("Wells Fargo") hereby responds to the Court's Order to Show Cause Why Temporary Restraining Order Should Not Issue dated September 9, 2013 (the "Order") (Dkt #9).

Plaintiff failed to serve the Order as required and instead sent it by overnight mail to Wells Fargo's agent for service of process. This delayed processing of the Order and assignment to outside counsel. Plaintiff has also failed to serve the complaint in this action. Wells Fargo was therefore unable to respond by the September 16, 2013 deadline set forth in the order.

Because Wells Fargo's counsel needs additional time to obtain and review the documents associated with this matter (including the un-served complaint), Wells Fargo agrees to postpone

1 the foreclosure sale currently scheduled for September 24, 2013 for a period of 30-days until
2 October 24, 2013.

3 Wells Fargo requests that the Court treat Plaintiff's application as a motion for
4 preliminary injunction and set a hearing and briefing schedule so that it can be decided before
5 October 24, 2013. This will also give the parties time to participate in the ADR telephone
6 conference well before the foreclosure sale.

7
8 Respectfully submitted,

9 Dated: September 17, 2013

ANGLIN, FLEWELLING, RASMUSSEN,
CAMPBELL & TRYTTEN LLP

11 By: /s/ Robert A. Bailey

12 Robert A. Bailey
13 Attorneys for Defendant
14 WELLS FARGO BANK, N.A., successor by
15 merger with Wells Fargo Bank Southwest, N.A.,
16 f/k/a Wachovia Mortgage, FSB
17
18
19
20
21
22
23
24
25
26
27
28

ANGLIN FLEWELLING RASMUSSEN CAMPBELL & TRYTTEN LLP

CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City of Pasadena, California; my business address is Anglin, Flewelling, Rasmussen, Campbell & Trytten LLP, 199 S. Los Robles Avenue, Suite 600, Pasadena, California 91101-2459.

On the date below, I served a copy of the foregoing document entitled:

**WELLS FARGO'S RESPONSE TO ORDER TO SHOW CAUSE WHY TEMPORARY
RESTRAINING ORDER SHOULD NOT ISSUE**

on the interested parties in said case as follows:

Served By Means Other than Electronically Via the Court's CM/ECF System

Debra L. Laine
5450 Betty Circle
Livermore, CA 94550

Tel: 925-518-8430 | Fax: 925-245-0968
Email: Debbie.laine@yahoo.com

☒ **BY MAIL:** I am readily familiar with the firm's practice of collection and processing correspondence by mailing. Under that same practice it would be deposited with U.S. Postal Service on that same day with postage fully prepaid at Pasadena, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made. This declaration is executed in Pasadena, California on September 17, 2013.

MAUREEN COURTNEY

/s/ Maureen Courtney

(Type or Print Name)

(Signature of Declarant)

ANGLIN FLEWELLING RASMUSSEN CAMPBELL & TRYTTEN LLP